

In the Claims:

Claims 1 to 24 (canceled).

1 25. (currently amended) A nonaqueous electrolyte secondary  
2 battery ~~characterized as using~~ comprising a mixture of a  
3 first oxide and a second oxide for it's a positive  
4 electrode material of said battery,

5 wherein said first oxide ~~being~~ is a spinel  
6 lithium-manganese complex oxide consisting that consists  
7 substantially of lithium, manganese, a metal other than  
8 manganese, and oxygen and that is represented by the  
9 compositional formula  $\text{Li}_x\text{Mn}_{2-y}\text{Ml}_y\text{O}_{4+z}$  where Ml is at least one  
10 of Al and Mg,  $0 \leq x \leq 1.2$ ,  $0 < y \leq 0.1$  and  $-0.2 \leq z \leq 0.2$ ,  
11 and

12 wherein said second oxide ~~being~~ is represented by the  
13 compositional formula  $\text{Li}_a\text{M}_2\text{bNi}_c\text{Co}_d\text{O}_2$  ~~(where~~ where M2 is at  
14 least one element selected from the group consisting of Al,  
15 Mn, Mg and Ti,  $0 < a < 1.3$ ,  $0.02 \leq b \leq 0.3$ ,  
16  $0.02 \leq d/(c + d) \leq 0.9$  and  $b + c + d = \underline{1.1}$  ~~)-~~

1 26. (currently amended) The nonaqueous electrolyte secondary  
2 battery as recited in claim 25, characterized in that said  
3 first oxide is an oxide derived via substitution of  
4 an other element for a part of manganese in [[a]] said  
5 spinel lithium-manganese complex oxide.

Claims 27 and 28 (canceled).

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1 29. (previously presented) The nonaqueous electrolyte secondary  
2 battery as recited in claim 25, characterized in that M2 in  
3 the second oxide's compositional formula  $\text{Li}_a\text{M2}_b\text{Ni}_c\text{Co}_d\text{O}_2$   
4 is Mn.

1 30. (previously presented) The nonaqueous electrolyte secondary  
2 battery as recited in claim 29, characterized in that  
3  $0.1 \leq d/(c + d) \leq 0.5$  is satisfied in the second oxide's  
4 compositional formula  $\text{Li}_a\text{M2}_b\text{Ni}_c\text{Co}_d\text{O}_2$ .

1 31. (previously presented) The nonaqueous electrolyte secondary  
2 battery as recited in claim 25, characterized in that said  
3 first and second oxides are mixed in the ratio by weight of  
4 20:80 - 80:20.

1 32. (previously presented) The nonaqueous electrolyte secondary  
2 battery as recited in claim 25, characterized in that said  
3 first oxide has a mean particle diameter of 5 - 30  $\mu\text{m}$ .

1 33. (previously presented) The nonaqueous electrolyte secondary  
2 battery as recited in claim 25, characterized in that said  
3 second oxide has a mean particle diameter of 3 - 15  $\mu\text{m}$ .

1 34. (currently amended) A nonaqueous electrolyte secondary  
2 battery ~~characterized as using~~ comprising a mixture of a  
3 first oxide, a second oxide and a third oxide for it's a  
4 positive electrode material of said battery,

5           wherein said first oxide ~~being~~ is a spinel oxide  
6           consisting substantially of lithium, manganese, a metal  
7           other than manganese, and oxygen,

8           wherein said second oxide ~~being~~ is different from the  
9           said first oxide and ~~consisting~~ consists substantially of  
10          lithium, nickel, cobalt, a metal other than nickel and  
11          cobalt, and oxygen, ~~and~~

12          wherein said third oxide ~~being~~ is different from the  
13          said first and second oxides and ~~consisting~~ consists  
14          substantially of lithium, cobalt and oxygen or of lithium,  
15          cobalt, a metal other than cobalt, and ~~oxygen~~ oxygen, ~~and~~

16          wherein said third oxide has a mean particle diameter  
17          of 3 - 15  $\mu$ m.

1    35. (currently amended) The nonaqueous electrolyte secondary  
2    battery as recited in claim 34, characterized in that said  
3    first oxide is an oxide derived via substitution of  
4    an other element for a part of manganese in a  
5    lithium-manganese complex oxide, said second oxide is an  
6    oxide derived via substitution of cobalt and an other  
7    element for a part of nickel in a lithium-nickel complex  
8    oxide, and said third oxide is a lithium-cobalt complex  
9    oxide or an oxide derived via substitution of an other  
10   element for a part of cobalt in said lithium-cobalt complex  
11   oxide.

1     **36.** (previously presented) The nonaqueous electrolyte secondary  
2     battery as recited in claim 34, characterized in that said  
3     first oxide is a lithium-manganese complex oxide  
4     represented by the compositional formula  $\text{Li}_x\text{Mn}_{2-y}\text{Ml}_z\text{O}_{4+z}$  (where  
5     Ml is at least one element selected from the group  
6     consisting of Al, Co, Ni, Mg and Fe,  $0 \leq x \leq 1.2$ ,  
7      $0 < y \leq 0.1$  and  $-0.2 \leq z \leq 0.2$ ).

1     **37.** (previously presented) The nonaqueous electrolyte secondary  
2     battery as recited in claim 34, characterized in that said  
3     second oxide is represented by the compositional formula  
4      $\text{Li}_a\text{M2}_b\text{Ni}_c\text{Co}_d\text{O}_2$  (where M2 is at least one element selected  
5     from the group consisting of Al, Mn, Mg and Ti,  
6      $0 < a < 1.3$ ,  $0.02 \leq b \leq 0.3$ ,  $0.02 \leq d/(c + d) \leq 0.9$  and  
7      $b + c + d = 1$ ).

1     **38.** (previously presented) The nonaqueous electrolyte secondary  
2     battery as recited in claim 34, characterized in that said  
3     third oxide is represented by the compositional formula  
4      $\text{Li}_e\text{M3}_f\text{Co}_{1-f}\text{O}_2$  (where M3 is at least one element selected from  
5     the group consisting of Al, Mn, Mg and Ti,  $0 < e < 1.3$  and  
6      $0 \leq f \leq 0.4$ ).

1     **39.** (previously presented) The nonaqueous electrolyte secondary  
2     battery as recited in claim 36, characterized in that Ml in  
3     the first oxide's compositional formula  $\text{Li}_x\text{Mn}_{2-y}\text{Ml}_z\text{O}_{4+z}$  is at  
4     least one of Al and Mg.

1 40. (previously presented) The nonaqueous electrolyte secondary  
2 battery as recited in claim 37, characterized in that M2 in  
3 the second oxide's compositional formula  $\text{Li}_a\text{M2}_b\text{Ni}_c\text{Co}_d\text{O}_2$   
4 is Mn.

1 41. (previously presented) The nonaqueous electrolyte secondary  
2 battery as recited in claim 40, characterized in that  
3  $0.1 \leq d/(c + d) \leq 0.5$  is satisfied in the second oxide's  
4 compositional formula  $\text{Li}_a\text{M2}_b\text{Ni}_c\text{Co}_d\text{O}_2$ .

1 42. (currently amended) The nonaqueous electrolyte secondary  
2 battery as recited in claim 38, characterized in that M3 in  
3 said third oxide is represented by the oxide's  
4 compositional formula  $\text{Li}_e\text{M3}_f\text{Co}_{1-f}\text{O}_2$  (where M3  $\text{Li}_e\text{M3}_f\text{Co}_{1-f}\text{O}_2$  is  
5 at least one element selected from the group consisting of  
6 Mg and Ti,  $0 \leq e \leq 1.3$  and  $0.02 \leq f \leq 0.2$ .  $0.2$ ).

1 43. (previously presented) The nonaqueous electrolyte secondary  
2 battery as recited in claim 34, characterized in that said  
3 first, second and third oxides are mixed in the ratio by  
4 weight of (first oxide) to (second oxide + third oxide)  
5 = 20:80 - 80:20.

1 44. (previously presented) The nonaqueous electrolyte secondary  
2 battery as recited in claim 43, characterized in that said  
3 second and third oxides are mixed in the ratio by weight of  
4 (second oxide) to (third oxide) = 90:10 - 10:90.

1 45. (previously presented) The nonaqueous electrolyte secondary  
2 battery as recited in claim 34, characterized in that said  
3 first oxide has a mean particle diameter of 5 - 30  $\mu\text{m}$ .

1 46. (previously presented) The nonaqueous electrolyte secondary  
2 battery as recited in claim 34, characterized in that said  
3 second oxide has a mean particle diameter of 3 - 15  $\mu\text{m}$ .

Claim 47 (canceled).

1 48. (new) A nonaqueous electrolyte secondary battery  
2 comprising a mixture of a first oxide, a second oxide and  
3 a third oxide for a positive electrode material of said  
4 battery,

5 wherein said first oxide is a spinel oxide consisting  
6 substantially of lithium, manganese, a metal other than  
7 manganese, and oxygen,

8 wherein said second oxide is different from said first  
9 oxide and consists substantially of lithium, nickel,  
10 cobalt, a metal other than nickel and cobalt, and oxygen,

11 wherein said third oxide is different from said first  
12 and second oxides and consists substantially of lithium,  
13 cobalt, a metal other than cobalt, and oxygen, and

14 wherein said third oxide is represented by the  
15 compositional formula  $\text{Li}_e\text{M3}_f\text{Co}_{1-f}\text{O}_2$  where M3 is at least one  
16 element selected from the group consisting of Mg and Ti,  
17  $0 < e < 1.3$  and  $0.02 \leq f \leq 0.2$ .

1 49. (new) A nonaqueous electrolyte secondary battery  
2 comprising a mixture of a first oxide, a second oxide and  
3 a third oxide for a positive electrode material of said  
4 battery,

5 wherein said first oxide is a spinel oxide consisting  
6 substantially of lithium, manganese, a metal other than  
7 manganese, and oxygen,

8 wherein said second oxide is different from said first  
9 oxide and consists substantially of lithium, nickel,  
10 cobalt, a metal other than nickel and cobalt, and oxygen,

11 wherein said third oxide is different from said first  
12 and second oxides and consists substantially of lithium,  
13 cobalt and oxygen or of lithium, cobalt, a metal other than  
14 cobalt, and oxygen, and

15 wherein said second oxide has a mean particle diameter  
16 of 3 - 15  $\mu\text{m}$ .

[RESPONSE CONTINUES ON NEXT PAGE]